IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

WRIT PETITION NO. 1012 OF 2004

Anil Kumar Saini ……Petitioner.

Versus

Judge Family Court and Others. ……Respondents.

Counsel for the petitioner Sri Sandeep Tandon, Arun Mohan Saklani.
Counsel for the respondent standing counsel.

Hon'ble Rajesh Tandon, J.

By the present Writ Petition, the petitioner has prayed for expediting the Original Suit No. 519 of 2002 Anil Kumar Saini Vs. Smt. Kavita.

Briefly stated, the petitioner filed the suit under Section 13 (A) of Hindu –Marriage Act, 1955 against the respondent no. 2 in the Court of Judge Family Court, Dehradun (respondent no.1), which was registered as O.S. No. 519 of 2002 (Anil Kumar Saini Versus Smt. Kavita Saini).

Counsel for the petitioner has submitted that the written statement has already been filed and the cross-examination of the witnesses had taken place.

Section 21B of the Hindu Marriage Act provides for disposal of the suit within a period of six months.

Section 21 B of the Hindu Marriage Act is quoted below:-

"SECTION 21B Special Provision relating to trail and disposal of petitions under the Act.

(1) The trial of a petition under this Act shall, so far as is practicable consistently with the interest of justice in

respect of the trial, be continued from day to day until its conclusion unless the courts finds the adjournment of the trial beyond the following day to be necessary for reasons to be recorded.

(2) Every petition under this Act shall be tried as expeditiously as possible and endeavour shall be made to conclude the trial within six months from the date of service of notice of the petition on the respondents.

Every appeal under this Act shall be heard as expeditiously as possible, and endeavour shall be made to conclude the hearing within three months from the date of service of notice of appeal on the respondent."

The learned Judge Family Court Dehradun, therefore, is directed to dispose the Suit within a period of two months from the date of the filing of the certified copy of the order.

Subject to the aforesaid observation, the Writ Petition is disposed of.

Order may be issued within three days.

(RAJESH TANDON, J.)

15.10.2004
P.S.R